

1 RESOLUTION NO. 2007-303

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 CARLSBAD, CALIFORNIA, CERTIFYING PROGRAM
4 ENVIRONMENTAL IMPACT REPORT, EIR 05-05,
5 APPROVING THE CANDIDATE FINDINGS OF FACT, A
6 STATEMENT OF OVERRIDING CONSIDERATIONS, AND
7 A MITIGATION MONITORING AND REPORTING
8 PROGRAM AND APPROVING GENERAL PLAN
9 AMENDMENT GPA 05-04, LOCAL COASTAL PROGRAM
10 AMENDMENT LCPA 05-01, AND DISCUSSION ITEM DI
11 05-01 FOR THE PONTO BEACHFRONT VILLAGE VISION
12 PLAN FOR THE AREA GENERALLY LOCATED BETWEEN
13 CARLSBAD BOULEVARD AND SAN DIEGO NORTHERN
14 RAILROAD, NORTH OF BATIQUITOS LAGOON AND
15 SOUTH OF PONTO ROAD.

16 CASE NAME: PONTO BEACHFRONT VILLAGE VISION
17 PLAN

18 CASE NO.: EIR 05-05/GPA 05-04/LCPA 05-01/DI 05-01

19 WHEREAS, pursuant to the provisions of the Municipal Code, the
20 Planning Commission did, on September 5th and 19th, 2007, hold a duly noticed public
21 hearing as prescribed by law to consider certification of Environmental Impact Report
22 (EIR 05-05), General Plan Amendment (GPA 05-04), Local Coastal Program
23 Amendment (LCPA 05-01) and Discussion Item (DI 05-01); and

24 WHEREAS, the City Council of the City of Carlsbad, on the 13th day of
25 November, 2007, held a duly noticed public hearing to consider said Environmental
26 Impact Report, General Plan Amendment, Local Coastal Program Amendment, and
27 Discussion Item and at that time received recommendations, objections, protests,
28 comments of all persons interested in or opposed to EIR 05-05, GPA 05-04, LCPA 05-
01, and DI 05-01.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of
the City of Carlsbad as follows:

1. That the above recitations are true and correct.
2. That the recommendation of the Planning Commission for the
CERTIFICATION of EIR 05-05 and **ADOPTION** of the Candidate Findings of Fact, a

1 Statement of Overriding Considerations, and Mitigation Monitoring and Reporting
2 Program and **APPROVAL** of GPA 05-04 is hereby accepted, approved in concept and shall
3 be included in the third General Plan Amendment of 2007, and LCPA 05-01 and DI 05-01 is
4 **APPROVED** by the City Council and that the findings and conditions of the Planning
5 Commission as set forth in Planning Commission Resolution No. 6338, 6339, 6340, and
6 6341 on file with the City Clerk and made a part hereof by reference are the findings
7 and conditions of the City Council with the following amendments and/or additions to
8 said conditions:

9 a. Mitigation Measure T-1 of the Final Environmental Impact Report for said
10 project shall be revised to read as follows:

11 **"T-1:** Impacts to the affected intersection shall be mitigated by
12 implementation of the following improvements:

13 La Costa Avenue / Vulcan Avenue: Install traffic signal with La Costa
14 widening to facilitate intersection improvements.

15 Prior to the issuance of a building permit, developers within the Ponto Area
16 shall pay a pro-rata fair share contribution to the La Costa Avenue/Vulcan
17 Avenue improvement. The pro-rata fair share contribution shall be paid to
18 the City of Carlsbad City Engineer prior to the issuance of building permits.
19 The pro-rata fair share contribution may be adjusted by the City of Carlsbad
20 to reflect any changes in estimated construction and land costs (as
21 described in Appendix G-2). The City of Carlsbad will retain the Ponto
22 developers' allocated pro-rata fair share contribution until the City of
23 Encinitas is required to collect said contributions. Developers with existing
24 ADT credits within their Ponto property will be given offsets against their
25 projected ADT's.

26 This intersection is located within the jurisdiction of the City of Encinitas and
27 the improvements to this intersection are already required mitigation as part
28 of the City of Encinitas adopted North 101 Corridor Specific Plan and have
been included in the City of Encinitas Capital Improvement Program (CIP).
Future developers within the Ponto Beachfront Village shall be required to
make a proportionate fair share contribution towards the improvements
listed in Mitigation Measure T-1.

Based on cost estimates from the City of Carlsbad, the proposed road
improvements associated with improving La Costa Avenue from Highway
101 through Vulcan Avenue, including the La Costa Avenue/Highway 101
and La Costa Avenue/Vulcan Avenue intersections, would cost
approximately \$7,352,505. This dollar amount is an estimate based on
current information. Annual adjustments shall be made as described in
Appendix G-2. Calculations for the cost estimate are provided in Appendix
G-2. As shown in Figures 5.6-8 and 5.6-9 the project would contribute 5,003
ADT to this intersection. The future development within the Vision Plan area
shall contribute 27 percent ($5,003 \text{ ADT} / 18,300 \text{ ADT} = 27\%$) of the total cost,
or \$1,985,176 ($\$7,352,505 \times 0.27 = \$1,985,176$). This amount would be
divided up among the future developments within the Ponto Beachfront

1 Village Vision Plan area based on the traffic they contribute to the
2 intersection. "

3 b. The following development guidelines as recommended by the Planning
4 Commission in Planning Commission Resolution No. 6338 are not
5 approved by the City Council and shall not be added to the Ponto
6 Beachfront Village Vision Plan:

7 "2b. Parking Garages shall be underground unless proven to be
8 technically or financially infeasible."

9 "2g. Any hotel on the southernmost Resort Hotel Character Area parcel
10 shall incorporate an ocean view restaurant."

11 c. The following development guideline as recommended by the Planning
12 Commission in Planning Commission Resolution No.6341, Condition 2h
13 shall be amended to read as follows:

14 "The Character Areas within the Ponto Beachfront Village Vision Plan
15 shall be revised to reflect the enhanced structural setback of generally 75
16 feet from the southerly bluff edge as referred to in the "Increased
17 Recreational Amenities/Green Space Alternative (Figure 6.6)" of the Ponto
18 Beachfront Village Vision Plan Final Environmental Impact Report with
19 the inclusion of a 10 to 12 foot public trail, and with approval of the precise
20 structural setback to be determined with approval of future development
21 permits."

22 d The following amendment is approved to the permitted accessory uses
23 language for the Beachfront Resort within the Ponto Beachfront Village
24 Vision Plan to read as follows:

25 "Accessory uses developed as an integral part of the hotel to serve hotel
26 guests, but accessible to the public, and generally small in scale (ie., less
27 than 2500 to 3000 square feet per accessory use), such as apparel and
28 accessories, beauty and barber shops, dry cleaning, laundry pickup
service only, florist, novelty and/or souvenir store, travel agency."

e. The Introduction Section (Chapter 1) of the Ponto Beachfront Village
Vision Plan shall be amended to read as follows:

23 "CHAPTER 1: INTRODUCTION

24 SECTION 1.1: INTENT & BACKGROUND

25 The Ponto Beachfront Village Vision Plan is intended to provide
26 guidance for development of the Ponto area, as directed by the
27 City of Carlsbad's General Plan and the South Carlsbad Coastal
28 Redevelopment Area Project Redevelopment Plan. The Plan sets
forth a Vision of what Ponto could be; presents goals and
objectives that support the Vision; and provides an implementation

strategy and design guidelines for the projects that will implement the Vision.

The Vision Plan is intended for use by prospective developers and their consultants, City of Carlsbad staff, and those performing design review on individual projects. The conceptual site plan contains a level of detail necessary to visually depict the desired land uses, circulation, and major design components; however, it is recognized that actual development site plans will change, which is acceptable if the goals and objectives of the Vision Plan are still achieved.

PROJECT GOALS & OBJECTIVES

The City recognizes the importance of the Ponto area relative to the City of Carlsbad. Its prime coastal location at the City's south edge, across from a State Park beach campground and near new single-family neighborhoods, offers the opportunity for the Ponto area to become an integral and vibrant part of Carlsbad, providing amenities for both tourists and City residents.

The City's Goals and Objectives for the Ponto Beachfront Village Vision Plan are:

- Establish the Southern Coastal Gateway to the City.
- Accommodate a balanced and cohesive mix of local and tourist serving commercial, medium- and high-density residential, mixed use, live/work, and open space land use opportunities that are economically viable and support the implementation of these goals.
- Provide site design guidelines that require street scenes and site plans to respect pedestrian scale and express a cohesive and high-quality architectural theme.
- Establish a pattern of pedestrian and bicycle accessibility that links the planning areas internally as well as with adjacent existing and planned pedestrian and bicycle facilities.
- Provide expanded beach access.
- Establish a mixed use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses.
- Require landscape architecture that celebrates the historic past and horticultural heritage of the City.
- Assure that public facilities and services meet the requirements of the Growth Management Plan.

- Conform with the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable City ordinances, regulations and policies

STUDY AREA

The Ponto study area is an approximately 130-acre relatively narrow strip of land, approximately 1/8 mile wide and 1-1/2 miles long, located between Carlsbad Boulevard and tracks for the San Diego Northern Railroad. Portions of the Plan area extend north to Poinsettia Lane and south to La Costa Avenue. For purposes of this Ponto Beachfront Village Vision Plan, however, the area considered viable for future development is much smaller. It consists of approximately 50 acres, with its northern limit at Ponto Drive and its southern limit at the Batiquitos Lagoon (Figure 1.1).

GENERAL PLAN

The City of Carlsbad General Plan identifies Ponto as an area with special considerations and directs its development to be consistent with the goals, objectives and guidelines set forth within the Ponto Vision and Land Use Strategy Plan (the Plan). Submittal of a Site Development Plan and other applicable discretionary permit applications are required, which will include review for consistency with the intent of this Ponto Beachfront Village Vision Plan and its Design Guidelines. The Plan's Design Guidelines supplement and are subject to existing regulatory controls, including the zoning standards adopted by the City of Carlsbad. The site plans are all illustrative and set forth guidelines and a vision. If the actual site plan for a specific development achieves the goals, objectives, guidelines and intent of the Vision Plan, it shall be consistent with this Plan.

REDEVELOPMENT AREA PLAN

As seen in Figure 1.2, a portion of the Ponto study area is within the South Carlsbad Coastal Redevelopment Area (SCCRA), which was established in July 2000. The SCCRA Redevelopment Plan gives the Carlsbad Housing and Redevelopment Commission the legal authority to use various powers to achieve the Redevelopment Plan's goals and objectives.

A complete list of the original twelve goals for the Redevelopment Plan is found in Appendix 1-A of this document; however, the overall intent can be summarized as follows:

- Strengthen and stimulate the economic base
- Enhance commercial and recreation functions
- Increase amenities to benefit the public

- Increase and improve the affordable housing supply
- Assure quality design in the area's development

Development of the Ponto Beachfront Village Vision Plan is the first step toward achieving the Redevelopment Area's overall intent.

PLAN ORGANIZATION

This Ponto Beachfront Vision Plan is organized into the following chapters:

Chapter 1: Introduction

This Chapter provides an overview of the Plan, including intent and purpose, Plan goals and objectives, background information on study area conditions, the planning process and public outreach activities, and how this Plan fits within the City of Carlsbad's regulatory environment.

Chapter 2: Ponto Vision

This Chapter defines the Vision for the Ponto area and presents the subarea land use themes, circulation patterns for vehicles, pedestrians, and bicycles, parking, streetscape and gateways, and desired Plan amenities. The site plans, including the specific land uses and development design, set forth within the Plan are illustrative and are provided as an example as to how the Vision for the area may be achieved. Alternate site plans may be consistent with the Plan if the goals and objectives and general intent of the Vision for the area are achieved.

Chapter 3: Design Guidelines

Design guidelines are provided for the subarea types: resort/hotel; mixed use/commercial; townhouse neighborhood and live/work areas. The guidelines address site planning factors, parking and circulation, architecture, landscaping, signage and public spaces/amenities.

Chapter 4: Implementation Program

This Chapter details the permit and entitlement process to develop individual properties within the Plan area and describes the general process phasing to implement various components of the Plan. "

- 3 The Housing and Redevelopment Director and/or Planning Director are hereby directed to make the amendments to the appropriate documents as set forth above.

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2 4 The Planning Director is directed to file the Notice of Determination for
said project, without undue delay.

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4 5 This action shall not become final until the Local Coastal Program
Amendment (LCPA 05-01) is approved by the California Coastal
Commission and the California Coastal Commission's approval
becomes effective. The Provisions of Chapter 1.16 of the Carlsbad
Municipal Code, "Time Limits for Judicial Review" shall apply:
6

7 "NOTICE TO APPLICANT"

8 The time within which judicial review of this decision must be
9 sought is governed by Code of Civil Procedure, Section 1094.6,
which has been made applicable in the City of Carlsbad by
10 Carlsbad Municipal Code Chapter 1.16. Any petition or other paper
seeking review must be filed in the appropriate court not later than
11 the nineteenth day following the date on which this decision
becomes final; however, if within ten days after the decision
12 becomes final a request for the record of the deposit in an amount
sufficient to cover the estimated cost or preparation of such record,
13 the time within which such petition may be filed in court is extended
to not later than the thirtieth day following the date on which the
14 record is either personally delivered or mailed to the party, or his
attorney of record, if he has one. A written request for the
15 preparation of the record of the proceedings shall be filed with the
City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad,
16 CA. 92008."

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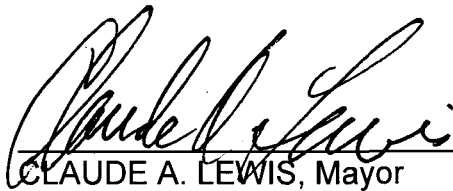
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2 PASSED AND ADOPTED at a regular meeting of the City Council of the
3 City of Carlsbad on the 4th day of December, 2007, by the
4 following vote, to wit:

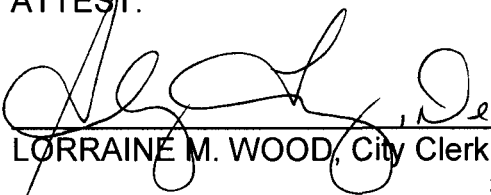
5 AYES: Council Members Lewis, Kulchin, Hall, Packard and Nygaard.

6 NOES: None.

7 ABSENT: None.
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10 
11 CLAUDE A. LEWIS, Mayor
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13 ATTEST:

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15 LORRAINE M. WOOD, City Clerk
16 (SEAL)
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